

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in this application.

In the outstanding Office Action, Claims 3-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolls (U.S. Patent No. 6,389,337).

Briefly recapitulating, independent Claim 3 is directed to a method for ordering parts used in fluid machinery. The method includes a step of creating a compatible-parts database for a plurality of fluid machinery of a user in association with a common part used therein. The compatible-parts database identifies a part with a part identifier uniquely predetermined for the part. The method also includes the steps of presenting the compatible-parts database to the user; and ordering a part for fluid machinery from a service provider by referring to the compatible-parts database. Independent Claim 10 is directed to an alternative embodiment of Applicants' invention, also including storage of compatible-parts information. With Applicants' inventions, a user can instantaneously and easily find what common parts are used in the user's fluid machinery.¹

Kolls discloses a database of part information including part details, specifications, and availability.² However, as noted in the Official Action, Kolls does not disclose storing compatible-parts information. Applicants therefore submit this rejection does not meet the burden of proving unpatentability as the cited prior art does not disclose or suggest all the elements of independent Claims 3 and 10. Therefore, Applicants submit the inventions

¹ Specification, page 6, lines 22-28.

² Kolls, column 8, line 62 – page 9, line 2.

defined by Claims 3 and 10, and all claims depending therefrom, are not rendered obvious by the asserted prior art for at least the reasons stated above.³

Furthermore, Applicants submit there is no teaching, suggestion, or motivation, either explicitly or implicitly, in Kolls to arrive at Applicants' inventions recited in Claims 3 and 10. Kolls makes no mention of compatible-parts or of parts sharing. Applicants' invention is a response to a long-felt need to be able to manage an inventory in such a fashion as to reduce the number of spare parts which have been redundantly stocked and to provide a user with an easy way to find a service provider's part identifier from the user's own control identifier as used in the user's production process. Thus, Applicants submit it is only through an impermissible hindsight reconstruction of Applicants' invention that the rejection of Claims 3-12 can be understood.⁴

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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³ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

⁴ MPEP § 2143.01 "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge of one of ordinary skill in the art."